

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS**

**BRIAN HERZIG and
NEAL MARTIN**

PLAINTIFFS

V.

CASE NO. 2:18-CV-2101 (PKH)

**ARKANSAS FOUNDATION FOR
MEDICAL CARE, INC.**

DEFENDANT

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO COMPEL
DISCOVERY**

Plaintiffs' Brian Herzig and Neil Martin, by its attorneys provides the following Response to the Defendant's Motion to Compel Discovery.

1. The Plaintiffs' in response to Defendants Interrogatories and Request for Production have respectively responded to 19 Interrogatories; 47 and 49 Requests for Production respectively producing in excess of six hundred documents.
2. AFMC in this Motion seeks to compel additional responses as summarized by the Defendant in their papers as follow:
 - (a) Supplement their responses to AFMC's Requests for Production of Documents with appropriate label;
 - (b) Produce documents responsive to Request Nos. 16, 17, and 20
 - (c) Make their mobile phones available for limited copying and inspection
 - (d) Supplement their Responses to Interrogatory Nos. 9, 12 and 19
 - (e) Pay AFMC's reasonable costs and attorneys' fees incurred as a result of filing this motion.
3. The Plaintiffs as set forth in their Brief assert that their production of documents;

responses to Interrogatories and Requests for Production are appropriate. Further, none of the discovery requests seek to require the inspection of the Defendant's phones. Finally, the Plaintiffs' do not feel an award of costs and attorney's fees and costs is warranted under Rule 37 of the Federal Rules of Civil Procedure.

4. This Response is further supported by the following referenced exhibits:

EXHIBIT 1 Employment Records Authorizations demanded of Plaintiffs Herzig and Martin

EXHIBIT 2 Email from Abtin Mehdizadegan to Plaintiff's Counsel Dated October 3, 2018

WHEREFORE, for the reasons set forth in this Response and Brief in Support of this Response the Plaintiff's respectfully requests that the Court deny the Defendant's Motion in its entirety, and to award all other just and proper relief to which it is entitled.

Respectfully submitted,

/s/ Michael R. Jones

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CERTIFICATE OF SERVICE

I, Michael R. Jones hereby certify that I have served a true and correct copy of the foregoing was served upon all parties of record via the Court's CM/ECF system on this 6th day of December, 2018, to wit:

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/s/ Michael R. Jones
Michael R. Jones

Michael R. Jones